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SIPDIS

DHAKA FOR P/E

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TAGS: PGOV PHUM ELAB KTIP QA

SUBJECT: QATAR ENACTS IMPORTANT NEW LAW CRIMINALIZING  
PRACTICES COMMONLY USED TO TRAFFIC FOREIGN LABORERS, A KEY  
TIP ISSUE

Classified By: Ambassador Joseph E. LeBaron for reasons 1.4 (b and d).

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(SBU) KEY POINTS  
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-- On February 28, Qatar enacted a new law regulating the entry, exit, residence, and sponsorship of expatriate workers.

-- The new law also contains a tough penalties provision, under which sponsors face prison sentences if they employ workers in the country illegally or those not under their sponsorship. The law also stiffens penalties for those expatriates illegally present in the country.

-- Under the new law, both domestic servants and laborers may petition the Ministry of Interior (MOI) for transfer of their sponsorships in cases of abuse by the sponsor.

-- The new law criminalizes the widespread practice of confiscating the passports of expatriate workers, but those workers must still obtain an exit permit. A court may grant the exit permit over the objection of the sponsor, but only after a lengthy process. This provision applies equally to domestic servants and laborers.

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(C) COMMENTS AND ANALYSIS  
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-- For the first time, Qatari law specifically criminalizes practices commonly used to traffic foreign laborers. While this is not an anti-TIP law, and it does not pretend specifically to criminalize all acts of human trafficking, it does hold to account sponsors, including Qataris, for certain practices frequently associated with TIP.

-- In this sense, it goes beyond the general, existing laws against kidnapping, rape, and involuntary servitude. Specifically, it targets one of the most common methods of labor exploitation: the practice of forcing workers into other employment against their will.

-- One of the main criticisms of current Qatari labor laws is that they do not afford protections to domestic workers, one of the populations most vulnerable to TIP victimization. To the extent that the new sponsorship law blurs the legal distinction between laborers and domestic servants, and in the process broadens protections for the latter, this is a very welcome development. While it will be very difficult for domestic servants under the new law to prove abuse, the employers are nonetheless put on notice that their actions

may have legal consequences.

-- While the provision outlawing the confiscation of passports is clearly insufficient, given the fact that the exit permit system remains largely intact, this is a necessary step in the right direction. By putting in place a system under which a worker may appeal to a court for the right to leave the country, the worker is no longer strictly at the mercy of the employer. This introduction of an onerous judicial alternative is preferable to a system that leaves potential traffickers with unfettered discretion.

-- The penalty for illegal presence is the most disappointing part of the new law. Workers fleeing exploitation, or in illegal status through the fault of the employer, face prison and stiff fines. Against the spirit of the new law, employers can still use their employees' illegal status as a means to intimidate and exploit them.

-- Like all laws, the test of this one will lie in its enforcement. Whether Qatars and their agents will abide by the law, and whether Qatari authorities will prosecute them if they do not, remains to be seen. In the past, the authorities have been reluctant to apply existing laws in the TIP context. Now they have a specific, though incomplete and imperfect, tool at their disposal -- if only they will use it.

End Key Points, Comments, and Analysis.

¶11. (SBU) On February 28, Crown Prince Tamim bin Hamad Al Thani signed the long-awaited Sponsorship Law. The law makes

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changes to entry, exit, residence, and sponsorship procedures, though administrative regulations must still be adopted before the law can be enforced. The reaction to the long-awaited law was mixed. Dr. Ali Al- Marri, Chairman of the National Human Rights Committee, issued a statement calling the law an important step forward in the ongoing Qatari fight against TIP. Less optimistic was Cristina Marinas, an activist in the Filipino expatriate community, who called the new law "a slight improvement." She told Poloff Caudill in a March 11 conversation that she and other Filipino workers would meet with the labor attache at the Filipino Embassy to discuss what that community might expect as a result of the new law.

¶12. (U) Under the new law, employers found guilty of employing a worker not under their sponsorship face a prison sentence of up to three years and a fine of up to 50,000 Qatari riyals (USD 13,735). By including this provision, authorities hope to reduce one of the most common methods of TIP, by which unscrupulous sponsors bait workers with promises of jobs, then inform them upon their arrival that those jobs do not exist. Faced with the prospect of returning to their homes in disgrace, often after having paid an illegal visa broker in his home country for a valid Qatari work visa, the worker is offered substitute employment. If he agrees, the sponsor sells the worker's labor to another employer at a low wage and under harsh conditions. The worker must pay the original sponsor of record to renew his work visa annually. Under the new law, the second employer would face prosecution and imprisonment for employing the trafficked worker. Nepalese labor attache Brem Baral told Poloff Caudill on March 19 that this provision, if enforced, would reduce the number of trafficked laborers.

¶13. (U) The Sponsorship Law specifically criminalizes the widespread practice of confiscating workers' passports. A sponsor found guilty of passport confiscation faces a fine of up to 10,000 Qatari riyals (USD 2,747). The impact of this provision is virtually negated, however, by the retention of the requirement that a worker obtain an exit permit in order to leave the country. The new law, does, however, allow for an alternative means of obtaining such a permit if the

sponsor refuses, dies, or is absent from the country. Under this laborious procedure, the worker may secure an exit permit from a court after presenting a certificate stating that he has no criminal or civil cases pending against him, and having secured a substitute sponsor who agrees to cover his outstanding debts. In spite of its shortcomings, Riyadi Asirdin, Indonesian labor attache in Doha, told Poloff Caudill on March 19 that the prohibition on passport confiscation was a positive development, since abused housemaids could flee to safety without having to first beg their abusive employers for the return of their passports.

**¶4. (U)** The new law mandates that sponsors present their employees to immigration officials within seven days of their arrival for medical screening and in-processing. If the employers do not do so, they may be fined up to 10,000 Qatari riyals (USD 2,747). Those employees who do not complete the in-processing lapse into illegal status. Under the new law, any worker illegally in the country faces a maximum prison sentence of three years and a fine not to exceed 50,000 riyals (USD 13,735).

LeBaron